REMARKS

Claims 1, 4 - 11, and 13-30 are all the claims presently pending in the application. Claims 1, 7-8, 11, 13-21, 23, and 25-27 are amended to more clearly define the invention and claims 28-30 are added. Claims 1, 8, 11, 18-21, 23, and 25-27 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Claims 1, 8, 11, 18-21, 23, and 25-27 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 3-7, 15, 18, 21-22, and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Nazanin, et al. reference. Claims 8-10, 16, 19, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Nazanin, et al. reference, and further in view of the Smith reference. Claims 11, 13-14, 17, 20, 23-24, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Nazanin, et al. reference, and further in view of the Groff reference.

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

An exemplary embodiment of the claimed invention, as defined, for example, by independent claim 1, is directed to an alert control method in a mobile telephone equipment having an alert function. The method includes storing a last-communication time related to a name of a person in a phonebook database in the mobile telephone equipment, calculating an

amount of time that has elapsed since the last-communication time, determining whether the amount of time that has elapsed since the last-communication time exceeds a predetermined time interval, and alerting when it is determined that the predetermined time interval is exceeded by amount of time.

A second exemplary embodiment of the claimed invention, as defined, for example, by independent claim 18, is directed to a mobile telephone having an alert function. The mobile telephone includes a phonebook database in the mobile telephone for storing a last-communication time related to a name of a person, and a controller for determining based on the current time, whether a predetermined time interval exceeds an amount of time since the last-communication time and starting the alert function when it is determined that the predetermined time interval is exceeded by the amount of time since the last-communication time.

While some conventional mobile telephones store a communication history of calls that are received from and placed to a particular person, if a user forgets to check the communication history, then a person who has called the user might not receive a reply from the user.

Another conventional telephone system includes a voice mail system that records the time that a person left a voice mail, and the system determines whether a predetermined period of time has elapsed since the voice mail was received and provides an alert if communication with the person that left the voice mail has not been established within the predetermined period of time. However, using this conventional telephone system, a user can only be alerted about an incoming call.

An important feature of the present invention is for a mobile telephone to make an

alert when a predetermined time interval has elapsed since the last-communication time with that person. Since the alert is made by the mobile telephone when the predetermined time interval has elapsed without communicating with the person, the communication can be ensured without checking the calling or called history.

Further, in stark contrast with the conventional mobile telephones, the present invention stores data regarding the last-communication with a person and then determines whether a predetermined time has elapsed since the last-communication with that person. This feature is important for determining whether a predetermined time interval has passed since that last talk with that person and providing an alert on the mobile telephone when that predetermined time interval has been exceeded. In this manner, the mobile telephone of the present invention ensures that a user is able to maintain periodic communication with a person.

A feature of claims 8 and 19 is that a plurality of persons are divided into a plurality of groups in the phone book database in the mobile telephone and a before-alert time period is determined for each group. Accordingly, a before-alert time period can be automatically determined for all persons belonging in the same group, resulting in enhanced operability.

A feature of claims 11 and 20 is that an alert-inhibition time period during which alert by the mobile telephone is inhibited is stored and, when a current time of day falls into the alert-inhibition time period, alert by the mobile telephone is inhibited. Accordingly, a beeper sound or vibration by the mobile telephone is prevented from annoying people around the mobile telephone in conference or if it is realized that the person being called would not want to be called, for example, when that person is asleep.

II. THE 35 U.S.C. § 112, SECOND PARAGRAPH REJECTION

The Examiner alleges that claims 1, 8, 11, 18-21, 23, and 25-27 are indefinite. While Applicant submits that such would be clear to one of ordinary skill in the art to allow them to know the metes and bounds of the invention, taking the present Application as a whole, to speed prosecution claims 1, 8, 11, 18-21, 23, and 25-27 have been amended in accordance with Examiner Jamal's very helpful suggestions.

In view of the foregoing, the Examiner is respectfully requested to withdraw this rejection.

III. THE PRIOR ART REJECTIONS

A. The Nazanin et al. reference

Regarding the rejection of claims 1, 3-7, 15, 18, 21-22, and 25, the Examiner continues to allege that the Nazanin et al. reference teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by the Nazanin et al. reference.

The Nazanin et al. reference has a purpose that is completely different and discloses an operation that is completely different in operation than the present invention. The purpose that is disclosed by the Nazanin et al. reference is to remind the user to place a call to a party at a specific time. To achieve this purpose, the Nazanin et al. reference discloses a type of "alarm clock" that reminds the user to call a party at a specified time of day.

In stark contrast, the present invention has a purpose of alerting a user that no communication has occurred for a specified interval of time. To achieve this purpose, the present invention provides an elapsed time function.

In other words, the Nazanin et al. reference discloses comparing a current time with a specified time and does not make any comparison at all between intervals of time and/or periods of time.

The Nazanin et al. reference clearly does not teach or suggest the features of the present invention including: 1) storing a last-communication time related to a name of a person in a phonebook database in the mobile telephone equipment, (claims 1, 8, 11, 18-21, 23, and 25-27) 2) calculating an amount of time that has elapsed since the last-communication time, (claims 1, 8, 11, 21, and 23) and 3) determining whether the amount of time that has elapsed since the last-communication time exceeds a predetermined time interval (claims 1, 8, 11, 18-21, 23, and 25-27).

The Examiner alleges that the Nazanin et al. reference discloses that a "previously set time/date in relation to the current time/date is the mechanism by which the phone calculates an amount of time that has elapsed since the last communication time." (Emphasis added).

However, contrary to the Examiner's allegation the Nazanin et al. reference never calculates any amount of time at all, let alone whether an amount of time exceeds a predetermined amount of time.

Rather, the Nazanin et al. reference only makes determinations with respect to a current time in relation to a specific time and does not make any determinations and/or calculations using periods of time.

While the Nazanin et al. reference appears to disclose that the operator may enter a period of time, the Nazanin et al. reference explains that the entered period of time is "converted to an hour and minute format." (Emphasis added, col. 3, lines 63-66) based upon the current time that the setting is made.

In other words, the Nazanin et al. reference is not capable of determining whether an amount of time has elapsed since a last-communication time that exceeds a predetermined period of time. Thus, while the Nazanin et al. reference discloses that it might be able to receive a period of time from a user, that period of time is converted into a specific time because the Nazanin et al. reference is not capable of performing determinations and/or calculations using periods of time. Rather, the Nazanin et al. reference is only capable of performing determinations and/or calculations using specific times.

Indeed, the Nazanin et al. reference clearly does not disclose comparing periods of time at all, rather, the Nazanin et al. reference only discloses comparing a specific time with a current time.

This distinction that the present invention has over the Nazanin et al. reference is important because the Nazanin et al. reference clearly suffers from the limitation that specific times are compared, and there is no disclosure of comparing any elapsed period of time with a predetermined period of time.

Therefore, the Nazanin et al. reference requires either that the user always enter a specific time at which the user wants the device to alert the user OR to enter an amount of time after the current time that the user wants the device to alert the user. In other words, the device that is disclosed by the Nazanin et al. reference is cumbersome because either a specific time and/or period of time would have to be entered after every call.

In stark contrast, an exemplary embodiment of the present invention is capable of handling a predetermined period of time and, is therefore, capable of calculating the amount of time that has elapsed after the last-communication time and whether that amount of time exceeds the predetermined period of time without requiring any determination from the user

of a specific time or any amount of time that is specific only for a specific instance of a call. In other words, the user of an exemplary embodiment of the invention merely needs to enter a predetermined period of time and the device will automatically determine when that time period has been exceeded for every call and not merely for a specific instance of a call.

Therefore, the Nazanin et al. reference does not teach or suggest each and every element of the claimed invention and the Examiner is respectfully requested to withdraw this rejection of claims 1, 3-7, 15, 18, 21-22, and 25.

B. The Nazanin et al. reference in view of the Smith reference

Regarding claims 8-10, 16, 19, and 26, the Examiner alleges that the Smith reference would have been combined with the Nazanin et al. reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

Specifically, the Nazanin et al. reference is directed to providing a telephone that alerts a user at a preprogrammed time to place a call, and allows the user to automatically dial the call by pressing "CONFIRM." (Col. 1, lines 33-35).

In stark contrast, the Smith reference is specifically directed to an automated telephone dialing equipment which addresses the problems of prioritizing calls so that the number of connecting calls remains fairly constant, providing enough calls to keep agents

busy, but which also allows individual call records to be dialed at more appropriate times for the called party based upon experience, call history, or other similar criteria (col. 2, lines 48-54).

One of ordinary skill in the art who was concerned with providing a telephone that alerts a user at a preprogrammed time to place a call to a specific individual, and allows the user to automatically dial the number by pressing "CONFIRM", as the Nazanin et al. reference is concerned with, providing would not have been motivated to refer to the Smith reference because the Smith reference is directed to the completely different and unrelated problem of prioritizing calls for an automated telephone dialing equipment.

Indeed, the Nazanin et al. reference has absolutely nothing to do with automated telephone dialers, let alone prioritizing calls for an automated telephone dialer.

Thus, the references would not have been combined.

Further, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner.

The Examiner alleges that it would have been obvious to modify the telephone that is disclosed by the Nazanin et al. reference based upon the disclosure of the automated telephone dialing equipment that is disclosed by the Smith reference to divide the plurality of persons into groups "because this would gives (sic) the system the advantage of being able to process the grouped users in a batch and enter account records (such as the before-alert time interval) much more efficiently."

However, the Examiner admits that the Nazanin et al. reference does not teach or suggest dividing a plurality of persons into a plurality of groups and determining a before-alert time interval.

While the Examiner alleges the Smith reference discloses grouping customer records together into campaigns at col. 1, lines 11-36, the Examiner does not provide any reference which discloses determining a before-alert time interval.

Indeed, as previously explained, the Smith reference discloses a system in which a lot of customers are grouped and a call to each customer is automatically made. Therefore, it is completely different from claim 8 which recites that a before-alert time period is determined for each group.

Further, the Smith reference does not disclose determining whether the before-alert time interval has elapsed after the last-communication time of day.

Moreover, even assuming arguendo that one of ordinary skill in the art would have been motivated to combine these references, the combination would not teach or suggest each and every element of the claimed invention.

As explained previously, the Nazanin et al. reference does not teach or suggest the features of the present invention including: 1) storing a last-communication time related to a name of a person in a phonebook database in the mobile telephone equipment, 2) calculating an amount of time that has elapsed since the last-communication time, and 3) determining whether the amount of time that has elapsed since the last-communication time exceeds a predetermined time interval.

The Smith reference does not remedy these deficiencies.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 8-10, 16, 19, and 26.

C. The Nazanin et al. reference in view of the Groff reference

Regarding claims 11, 13-14, 17, 20, 23-24, and 27, the Examiner alleges that the Groff reference would have been combined with the Nazanin et al. reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different and unrelated matters and problems.

Specifically, the Nazanin et al. reference is directed to providing a telephone that alerts a user at a preprogrammed time to place a call, and allows the user to automatically place the call. (Col. 1, lines 33-35).

In stark contrast, the Groff reference is specifically directed to a timed telephone ring silencer that allows a user to selectively disable the ringer mechanism of a telephone attached to the silencer device for a predetermined time interval (col. 1, lines 46-51).

One of ordinary skill in the art who was concerned with providing a telephone that alerts a user at a preprogrammed time to place a call, and allows the user to automatically place the call as the Nazanin et al. reference is concerned with solving, would not have referred to the Groff reference because the Groff reference is directed to the completely different and unrelated problem of selectively disabling the ringer mechanism of a telephone attached to the silencer device for a predetermined time interval.

Further, the Examiner's alleged modification would render the invention that is disclosed by the Nazanin et al. reference unsatisfactory for its intended purpose.

"THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE

If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." (M.P.E.P. § 2143.01).

As explained above, the purpose of the Nazanin et al. reference is to remind the user to place a call to a party at a specific time.

The Examiner alleges that it would have been obvious "to implement the alert inhibition controller so that it could silence the ringing."

Applicant respectfully submits that the Examiner's proposed modification to "silence the ringing" would destroy the intended purpose that is disclosed by the Nazanin et al. reference, which is to remind the user to place a call to a party at a specific time. Applicant respectfully submits that it is not possible to remind a user to call if the ringer is silenced in accordance with the Examiner's proposed modification.

Thus, the references would not have been combined.

Even assuming arguendo that one of ordinary skill in the art would have been motivated to combine these references, the combination would not teach or suggest each and every element of the claimed invention.

As explained previously, the Nazanin et al. reference does not teach or suggest the features of the present invention including: 1) storing a last-communication time related to a name of a person in a phonebook database in the mobile telephone equipment, 2) calculating an amount of time that has elapsed since the last-communication time, and 3) determining

whether the amount of time that has elapsed since the last-communication time exceeds a predetermined time interval.

The Groff reference does not remedy these deficiencies.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 11, 13-14, 17, 20, 23-24, and 27.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1, 4 - 11, and 13-30, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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